

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

v.

KYSHON RICHARDSON,

Defendant.

Crim. No. 15-0176

**MEMORANDUM
OPINION**

THOMPSON, U.S.D.J.

Defendant Kyshon Richardson (“Defendant”) has been charged with 18 U.S.C. § 922(g)(1), unlawful possession of a firearm by a convicted felon. (ECF No. 1). Defendant moved to suppress the firearms found by the police as fruits of an unlawful search and seizure. (ECF No. 10). After a hearing, this Court denied his motion. (ECF No. 37). Three days after Defendant’s motion was denied, the Government produced a video recording of the motor vehicle stop that led to the discovery of the firearms.

In light of the newly available video recording, Defendant filed a Motion for Reconsideration. (ECF No. 39). This Court viewed the recording, and held a hearing on February 1, 2016. Defendant argued that the video recording shows Defendant driving responsibly, thereby undermining the two traffic citations he received. Without the traffic violations, Defendant argued, the motor vehicle stop that led to the discovery of the firearms was unconstitutional, and the firearms should be suppressed.

The Court agrees that the recording may undermine Defendant’s “careless driving” citation. However, this Court’s previous opinion did not primarily rely on either of the traffic citations to find that the stop was constitutional. Rather, the opinion states that Defendant’s

traffic violations “created additional justifications for the stop.” (ECF No. 36 at 8). The Court primarily relied on the totality of the circumstances surrounding the stop, including the suspected narcotics activity of the Defendant that the police observed, and Defendant’s U-turn in front of 81 Center Street. (*See id.* at 7-8). Defendant’s motion for reconsideration will be denied. *See Compass Tech., Inc.v. Tseng Labs., Inc.*, 71 F.3d 1125, 1130 (3d Cir.1995) (stating that new evidence must be material and capable of changing the outcome of the previous proceedings for a party to prevail on a motion for reconsideration).

IT IS, on this 1st day of February, 2016,

ORDERED that Defendant’s Motion for Reconsideration (ECF No. 39) is DENIED.

/s/ Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.